IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10928 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

AKBARALI @ KALIYO @ KALU MEHMOODALI SYED

Versus

COMMISSIONER OF POLICE

Appearance:

MR ANIL S DAVE for Petitioner

MR HH PATEL AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/02/2001

ORAL JUDGEMENT

Both the parties are in agreement that the matter is squarely covered by the decision of this Court in the case of Kalidas C. Kahar vs. State of Gujarat & Ors. reported in 1993 (2) GLR 1659 on the point of verification of the statement of the secret witness and

the order of detention.

In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 27-9-2000 is quashed and set aside. The petitioner Akbarali @ Kaliyo @ Kalu Mehmoodali Syed , the detenu, at present in Rajkot District Jail, Rajkot be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

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zgs/-